

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JIM B. DUNNIGAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. CV 07-1645-AC

OPINION AND ORDER

**MOSMAN, J.,**

On March 24, 2009, Magistrate Judge Acosta issued Findings and Recommendation ("F&R") (#25) in the above-captioned case recommending that I DENY the Commissioner's Motion to Remand for Further Administrative Proceedings (#19) and REMAND the claim for an award of benefits. No objection to the F&R was filed.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate

judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation, and I ADOPT the F&R (#25) as my own opinion.

IT IS SO ORDERED.

DATED this 17th day of April, 2009.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN  
United States District Court